

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30440 of 2019 and
W.M.P.No.30448 of 2019

Nagaraj

..Petitioner

Versus

1.The District Collector,
Ariyalur District.

2.The Superintending Engineer,
State Highways Department
Villupuram District.

3.The Divisional Engineer,
State Highways Department
Trichy Main Road,
Ariyalur.

..Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus forbearing the respondents, their men, agents and subordinates from laying road or constructing bridge in Survey numbers 189/1, 189/13B, 181/19A, 189/16A, 189/2, 190/3, 190/5, 190/6A, 190/2, 190/4B, 201/23A, 201/23B, 201/22B, 192/13A, 192/13B, 192/6B, 192/12A, 199/4A, 199/5A and in any other agricultural field at Melaramanallur Village, Azhgiyamanavalan Post, Ariyalur Taluk and District.

For Petitioner : Ms.B.Poornima

For Respondents : Mr.E.Manoharan
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Heard the submission of Ms.B.Poornima, learned counsel appearing for the petitioner and Mr.E.Manoharan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

2. The present writ petition is styled as a Public Interest Litigation and the petitioner claims to be an Agriculturist and a native of Melaramanallur Village, and the total population of the said Village will be around 200 and the Village is like Highland and it is situated in the midst of Kollidam river, on the southern side of Ariyalur District. The petitioner would state that during monsoon or flooding of river, the approach to their place is only through boat or Coracle and therefore, the Villagers had approached the authorities for construction of bridge across the Kollidam River so as to enable them to cross the river without resorting to said mode of transport. The petitioner would state that most of the occupants of the said Village are agriculturist including the petitioner and to their shock and surprise, the respondents suddenly started laying stones in S.Nos.189/1, 189/13B, 181/19A, 189/16A, 189/2, 190/3, 190/5, 190/6A, 190/2, 190/4B, 201/23A, 201/23B, 201/22B, 192/13A, 192/13B, 192/6B, 192/12A, 199/4A and 199/5A and immediately the villagers/owners had approached the respondents to stay the construction and however without hearing their request and prayer, steps are being taken to construct bridge right across the agricultural land without resorting to due process of law and in that event their livelihood would be affected. The petitioner in this regard has also submitted a detailed representation dated 15.07.2019 to the 1st respondent and it was also acknowledged in petition no.2019/9005/17/178359/0715 dated 15.07.2019 and despite the receipt and acknowledgment of the said representation, further steps are being taken to lay the bridge right across the lands in the said suvey numbers and therefore, the learned counsel appearing for the petitioner prays for appropriate orders forbearing the respondents from doing so.

3. Mr.E.Manoharan, learned Additional Government Pleader appearing for the official respondents 1 to 3 would submit that the decision has been taken to construct the bridge from Melaramanallur Village, Ariyalur District to Kudikadu Village, Thanjavur District and one side of the bridge had already been constructed and if the request of the petitioner, to change the alignment or not to acquire the land is considered, then it requires change of alignment and it is not technically possible and also involves financial loss. It is the further submission of the learned Additional Government Pleader that the apprehension expressed by the petitioner as to the highhandedness on the part of the official respondents is wholly unfounded and due process of law will be resorted towards acquiring the land and for the purpose of identification, only stones have been laid and also brought to the knowledge of this

Court that similar Writ Petition in W.P.No.21771/2019 filed before the Madurai Bench of this Court has also ended in dismissal.

4. This Court has considered the rival submission and also perused the materials placed before it.

5. Though the petitioner prays for larger relief, this Court taking into consideration the apprehension expressed by the petitioner, without going into the merits of the claim projected by him either in his representation or in this writ petition directs the office of the 1st respondent to forward the representation in petition no.2019/9005/17/178359/0715 dated 15.07.2019 to the Tahsildar, Ariyalur District within a period of two weeks from the date of receipt of a copy of this order and the said official on receipt of the same shall give an opportunity of personal hearing to the petitioner and thereafter consider and dispose of the said representation on merits and in accordance with law within a period of six weeks from the date of receipt of the representation from the office of the 1st respondent and communicate the decision taken to the petitioner.

6. The writ petition stands disposed of with the above direction. No costs. Consequently connected miscellaneous petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector, Ariyalur District.
- 2.The Superintending Engineer,
State Highways Department, Villupuram District.
- 3.The Divisional Engineer,
State Highways Department, Trichy Main Road, Ariyalur.

+1 cc to M/s.R.Poornima, Advocate Sr.No. 89047

+1 cc to The Government Pleader Sr.No.89646

AKM/10.12.19/3P-6C /

WP.No.30440 of 2019